

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

CRAIG CUNNINGHAM on behalf of himself and
all others similarly situated,

Plaintiff,

-vs.-

BIG THINK CAPITAL INC.,

Defendant.

Case No. 2:19-cv-00638-ILG-PK

**NOTICE OF MOTION OF
DEFENDANT
BIG THINK CAPITAL INC. TO
VACATE CERTIFICATE OF
DEFAULT**

PLEASE TAKE NOTICE that, pursuant to Fed. R. Civ. P. 55, upon the annexed Memorandum of Law, Declaration of David Brown and the Declaration of Mendy Piekarski, all dated August 15, 2019, Defendant Big Think Capital Inc. (“Big Think”), will move this Court, before Magistrate Judge Peggy Kuo at the United States Court House, 225 Cadman Plaza East, Brooklyn, New York, at a time and date to be set by the Court for an Order vacating the July 15, 2019 Certificate of Default (Doc. 10), as set out in the Memorandum of Law, on the grounds that Big Think’s default was not willful, Plaintiff Craig Cunningham will not be prejudiced, and Big Think has a meritorious defense.

PLEASE TAKE FURTHER NOTICE that any opposing affidavits and answering memoranda of law must be served on or before August 29, 2019, and any reply affidavits and memoranda of law must be served on or before September 6, 2019, pursuant to Local Civil Rule 6.1(b) or pursuant to any subsequent briefing schedule ordered by the Court.

Dated: August 15, 2019

Respectfully submitted,

THOMPSON HINE LLP

By: /s/Mendy Piekarski
Mendy Piekarski
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Big Think Capital, Inc.*

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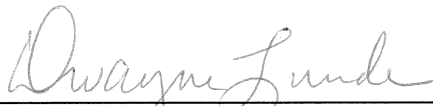
Case No. 2:19-cv-00638-ILG-PK

Judge I. Leo Glasser
Magistrate Judge Peggy Kuo

CERTIFICATE OF SERVICE

I hereby certify that on August 15, 2019, I served a Notice of Motion of Defendant Big Think Capital Inc. to Vacate Certificate of Default, Memorandum of Law in Support of Motion of Defendant Big Think Capital Inc. to Vacate Certificate of Default, Declaration of David Brown with exhibits 1 and 2 annexed thereto and Declaration of Mendy Piekarski with exhibit 1 annexed thereto by email and first class mail enclosed in a security sealed postage-paid envelope addressed to the following at the last known address as follows:

Aytan Y. Bellin
BELLIN & ASSOCIATES LLC
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White Plains, NY 10606
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Attorneys for Plaintiff



Dwayne Lunde